

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7979

BILL NUMBER: SB 295

DATE PREPARED: Apr 16, 2001

BILL AMENDED: Apr 12, 2001

SUBJECT: Dog Attacks.

FISCAL ANALYST: Mark Goodpaster

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FUNDS AFFECTED: X **GENERAL**
X **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill specifies that a dog owner may be held civilly liable if the owner's dog attacks a person who is carrying out a duty imposed by state law, federal law, postal regulations, a local ordinance, or under the authority of a public utility. It provides that a dog owner who recklessly, knowingly, or intentionally fails to restrain the owner's dog commits a Class C misdemeanor if the dog attacks a person not on the owner's property. It establishes enhanced penalties for repeat offenses, or if the victim suffers serious injury or death. It provides that a dog owner who fails to post a conspicuous sign warning of the dog, or knowingly, or intentionally fails to restrain the owner's dog during the daylight hours commits a Class B misdemeanor if the dog attacks a person on the owner's property and the person is carrying out a duty imposed by state law, federal law, postal regulations, a local ordinance, or under the authority of a public utility. It requires a person who has a duty to enter the dog owner's property but who cannot enter the owner's property because of the dog to obtain a court order or notify the property owner by certified mail of the person's inability to enter the dog owner's property. It establishes enhanced penalties for repeat offenses or if the victim suffers serious injury or death.

Effective Date: July 1, 2001.

Explanation of State Expenditures: (Revised) A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: (Revised) If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class

C felony is \$10,000. The maximum fine for a Class A misdemeanor is \$5,000 while the maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Some revenues to the State General Fund may occur if nongovernmental entities such as utility companies need to enter the dog owner's property. A civil filing fee is \$100. Of this, 70% is deposited in the state General Fund if the case is filed in a circuit, superior, county or probate court. If the case is filed in a city or town court, the state receives 55%.

Explanation of Local Expenditures: (Revised) A Class A misdemeanor is punishable by up to one year in jail while a Class B misdemeanor is punishable by up to 180 days in jail. Local expenditures for jail operations may increase if more defendants are detained in county jails prior to their court hearings. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Some additional civil filings may occur when representatives of certain entities need to enter the property of owners with vicious dogs.

Explanation of Local Revenues: (Revised) If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

Some revenues to the local general funds may occur if nongovernmental entities such as utility companies need to enter the dog owner's property. A civil filing fee is \$100. Of this, 30% is deposited in the state General Fund if the case is filed in a circuit, superior, county or probate court. If the case is filed in a city or town court, the state receives 45%.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction, IC 33-19-5-4.